

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**APRIL 3, 2006**

The Tippecanoe County Commissioners met on Monday, April 3, 2006 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President Ruth E. Shedd, and Member KD Benson. Also present were: Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Knochel called the meeting to order and led the Pledge of Allegiance.

***APPROVAL OF MINUTES***

- Commissioner Shedd moved to approve the Minutes of the March 6, 2006 Regular Meeting, the March 14, 2006 Joint Meeting with the County Council and Financial Consultant, and the March 20, 2006 Regular Meeting as distributed, seconded by Commissioner Benson; motion carried.

***APPROVAL OF ACCOUNTS PAYABLE VOUCHERS***

- Upon the recommendation of Commissioners' Assistant Jennifer Weston, Commissioner Benson moved to approve the Accounts Payable Vouchers through April 3, 2006 with no exceptions, seconded by Commissioner Shedd; motion carried.

***HIGHWAY: Executive Director Opal Kuhl***

**Open Request for Statements of Qualifications: Engineering Services for Various Road and Bridge Projects**

Attorney Luhman opened the Request for Statement of Qualifications from the following:

R.W. Armstrong  
The Schneider Corp.  
Commonwealth Engineers, Inc.  
Janssen & Spaans Engineering  
Donohue & Associates, Inc.  
Clark Dietz, Inc.  
USI Consultants, Inc.  
United Consulting Engineers & Architects  
GRW Engineers, Inc.  
Farrar, Garvey & Associates, LLC  
Cross Road Engineers, PC  
Stephen J. Christian & Associates, P.C.  
John E. Fisher & Associates  
HE BFS Civil Engineers & Surveyor  
DLZ  
Butler, Fairman, & Seufert  
Strand Associates, Inc.  
BLN  
American Consulting, Inc.  
IXOYE Civil Engineering, Inc.  
WTH Engineering, Inc.

Hannum, Wagle & Cline  
Wessler & Associates  
Wilbur Smith Associates, Inc.  
DLK Architecture, Inc.  
RQAW  
TBird Engineering and Surveying

- Upon Attorney Luhman's recommendation, Commissioner Shedd moved to take the Statement of Qualifications for Engineering Services under advisement, seconded by Commissioner Benson; motion carried.

Ms Kuhl said having these Statements of Qualifications will save time when hiring local consulting firms for design work for small locally funded projects.

#### **Authorization to Advertise Request for Proposals: Engineering Services**

Ms Kuhl requested authorization to advertise a Request for Proposals for Engineering Services for Bridges #64 and #65 on Lilly Road, a Federally funded project. She explained that a separate RFP is a qualification for accepting Federal funds. They are getting the design for these two bridges so that construction may start when work on Bridge 209, also on Lilly Road, is completed.

- Commissioner Shedd moved to authorize the advertisement for Proposals for Engineering Services for Bridges #65 and #65, seconded by Commissioner Benson; motion carried.

#### **Supplemental Agreement #3: Bridge #91: DLZ Indiana, LLC**

Ms Kuhl explained that the original agreement signed in 2001 was for Engineering Services for four (4) parcels related to the replacement of Bridge #91 that carries 925 W over Little Pine Creek. Since that time, one parcel has been subdivided so Engineering Services and appraisals will be needed for five (5) parcels instead of four. The not-to-exceed amount will be increased \$1,500 for a total of \$56,230.

- Commissioner Shedd moved to approve Supplemental Agreement #3 for Bridge #91, seconded by Commissioner Benson; motion carried.

#### **Authorization to Advertise Request for Proposals: Engineering Services**

Ms Kuhl requested authorization to advertise a Request for Proposals for Engineering Services for the NBIS Bridge Inspection and Inventory Project. Seeking these proposals every four (4) years is a Federal funding requirement.

- Commissioner Shedd moved to authorize the advertisement for Proposals for Engineering Services for the NBIS Bridge Inspection and Inventory Project, seconded by Commissioner Benson; motion carried.

#### ***ASSIGNMENT OF DRAINAGE EASEMENT: Surveyor Steve Murray***

Mr. Murray explained that this Assignment of Drainage Easement to the City of Lafayette is part of the old Wal-Mart Easement for the Wilson branch of the Elliott Ditch at Fortune Park Subdivision east of Creasy Lane.

Attorney Luhman summarized that, when the original easement was given to the County by Wal-Mart in 1991, it included an express provision that it could be assigned to the City of Lafayette in the future. The assignment has been requested so they will have whatever rights the County had to that easement to make infrastructure improvements. Attorney Luhman said the Assignment of Easement provides they will hold the County harmless, they will maintain the property within the easement, and the County will still receive the assessment for the regulated drain for maintenance and reconstruction if necessary.

- Commissioner Shedd moved to approve the Assignment of the Wal-Mart Drainage Easement at Fortune Park Subdivision east of Creasy Lane from Tippecanoe County to the City of Lafayette, seconded by Commissioner Benson; motion carried.

#### ***GIS DATA LICENSE AGREEMENT: Surveyor Steve Murray***

Mr. Murray reported the Census Bureau requested Tippecanoe County GIS data to update their TIGER System files and asked for the Commissioners' approval. Attorney Luhman reviewed the Agreement and found no flaws.

- Commissioner Shedd moved to approve the GIS Data License Agreement with the U.S. Census Bureau and authorize the President of the Board of Commissioners to sign, seconded by Commissioner Benson; motion carried.

#### ***BOARD OF ELECTION & REGISTRATION: New Polling Places***

- Commissioner Shedd moved to approve the move of Wabash 15 and Wabash 18 polling places to Cary Quad at Purdue University and the move of Wabash 17 polling place from Morton School to Purdue Memorial Union, seconded by Commissioner Benson; motion carried.

#### ***DISCUSSION: Draft Smoking Ordinance: Jack Rhoda***

The ordinance, drafted by the Tippecanoe County Health Department's attorney, pertains to requiring and regulating the display of notice within food service establishments within Tippecanoe County of information regarding the establishment's policy concerning smoking and providing penalties for violation. Such as ordinance was requested by Mr. Rhoda on January 3, 2006.

Mr. Rhoda clarified that he is appearing to discuss the draft of this ordinance as a citizen of Tippecanoe County, not a Lafayette City Councilman. Mr. Rhoda thinks this ordinance is a compromise with West Lafayette's proposed non-smoking ordinance. He thinks this ordinance is business friendly and allows the owner to operate according to market demand. It gives consumers a choice. Mr. Rhoda suggested adding bars to the ordinance as well as allowing smaller signage.

Commissioner Knochel asked if the West Lafayette City Council discussed their non-smoking ordinance with the Lafayette City Council. If they have, he wondered about Lafayette's attitude. Mr. Rhoda responded that the Lafayette City Council has not discussed a non-smoking ordinance and he is not speaking on the Council's behalf. He discussed the idea presented in this draft ordinance and said West Lafayette would like a county-wide policy.

If West Lafayette's proposed non-smoking ordinance passes, Commissioner Shedd asked if it will outweigh this draft ordinance. Attorney Luhman responded it will. He said this draft ordinance regards posting smoking information to patrons but West Lafayette's prohibits smoking in restaurants.

Ron Cripe, Health Department Executive Assistant, said concerns were brought to the Tippecanoe County Board of Health and this draft ordinance was created. He yielded to Dr. Michael Bohlin, Tippecanoe County Health Officer.

Dr. Bohlin said the Health Department will not support the draft ordinance as written. He said when there is a restricted smoking area, a separate air supply is needed but IHOP is the only local establishment with such a system. He said second hand smoke is very detrimental and cited statistics that indicate 3,000 non-smokers die annually from Lung Cancer due to second hand smoke. This draft ordinance doesn't address the health risks of second hand smoke nor does it change the work environment for employees. In his opinion, there should be a county-wide smoking ban.

### **Public Comment**

Carl Covely Jr., 5740 S 800 E: Mr. Covely favors a comprehensive ban on smoking in public places but opposes this draft ordinance because it doesn't accomplish anything. He said non-smoking restaurants are already posted as such. He thinks this would be a useless law and encouraged the Commissioners to do something that will make a difference. Mr. Covely suggested imposing a 1% Food & Beverage Tax on restaurants that allow smoking.

Tammy Lowe, 2324 Bennett Rd.: Ms Lowe does not support the draft ordinance. She said the West Lafayette non-smoking ordinance will protect workers who, many times, don't have the option of working somewhere else. A sign on the door will only be a warning.

Tim Filler, Indianapolis: Tobacco companies want to let patrons know where smoking is allowed.

Dr. Bolin compared obesity, that affects one person's life, to drinking and driving. He said when a person's behavior changes others' lives, action should be taken.

Mr. Rhoda defended the draft ordinance as a way to ensure good health with a common sense compromise. He said signage on the door will let future workers know the working conditions at the establishment.

Commissioner Knochel reported results of a March 30, 2006 Health Department survey of 343 local eateries:

Smoking	161	46%
Non-Smoking	173	+50%
No response	9	

Commissioner Shedd said she opposes telling business owners what they can do. She thinks there are enforcement issues with this draft ordinance.

Commissioner Benson said she is not ready to act today, but would like to look through the information that was distributed.

- No action was taken.

### ***APPOINTMENT: Common Wage Board***

- Commissioner Shedd moved to appoint Dave Lahr to the Common Wage Board for Indiana Department of Administration projects of replacing water softeners in the Power House and installing a Lift Station, seconded by Commissioner Benson; motion carried.

## ***UNFINISHED BUSINESS***

### **Funding Juvenile Center Operating Costs**

President Knochel noted that, at a previous meeting, he appointed Commissioner Benson to begin a dialogue with our Legislators regarding funding options for operating costs of the juvenile facility that is being considered. He asked Attorney Luhman to clarify.

Attorney Luhman reported that the Commissioners and Council met in a joint meeting on March 14<sup>th</sup> with Financial Consultant Greg Guerrettaz and determined they want to build the option that is the largest and most comprehensive juvenile facility that will also have the largest annual operating cost. After estimated operating costs as well as potential funding sources were discussed, Mr. Guerrettaz reported he has reviewed the County's Operating Plan, the General Fund Budget, and other sources of revenues coming into the County and concluded that the County does not have a sufficient funding source to operate a juvenile facility. He suggested seeking special legislation to enable the County to impose on the County's residents an additional tax to fund operating costs.

President Knochel recalled that special legislation imposed \$0.25 per \$100 earned by residents to pay for the Tippecanoe County Landfill cleanup. Approximately \$19 million was generated over three (3) years after which the tax was eliminated.

## ***EXECUTIVE MEETINGS ANNOUNCED***

The Commissioners will hold Executive Meetings at 10:00 A.M., Monday April 10 and 1:00 P.M., Tuesday April 11 to conduct interviews for the position of Cary Home Executive Director.

## ***REPORTS***

Reports from the Treasurer, Weights & Measures, and Legal Aid Corp. are on file in the Commissioners' Office for review.

## ***PUBLIC COMMENT***

None.

## ***ADJOURNMENT***

- Commissioner Shedd moved to adjourn, seconded by Commissioner Benson; motion carried.

### **BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE**

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John L. Knochel, President

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Ruth E. Shedd, Vice President

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KD Benson, Member

### **ATTEST:**

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Robert A. Plantenga, Auditor